

1951

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S. E. ASIA

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BRUNEI

CLOSED
UNTIL

1982

CONSTITUTION.E
1227DEVELOPMENT

Previous

1950

Subsequent

SEA 31/8/01

H531

9/1

H531

27/8

Mr. Heale

27/8

H531

27/9

Mrs. Neale

27/9

Mr. Saul

27/9

H531

26/10

Mrs. Neale

29/10

Mr. Saul

27/10

28/3

Mr Nield H532. 10/1/51. Miss Fairlie

22/3

(1) Mr McPeters (H.241) 12/2.

H531

(2) Sir G Whitley 13/2

Mr. Nield. 13/2

Copying Rept H431 14/2

H.03. 16/2

H531

Mr. Field. 20/3

H531. 27/4

Mr. Field. 27/4

H531. 28/6

Mr. Field. 25/6

H531. 25/7

Mr Nield 26/7

Mr. Saul. 26/7

CO 943/2/1

1951

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C.I.

C.

2

1. Sarawak Desp 26 — 30.12.50

This is the reply to our despatch at No. 2 on the 1949 file concerning the revision of legislation and the establishment of a Constitution for the State of Brunei.

The Governor agrees generally with the views of the Legal Advisers in the CO., as outlined in the despatch at No 2/1949 papers, but suggests that the provision for validating laws enacted by the Resident should be effected under the Revised Edition of the Laws Enactment rather than under an Enactment providing for a constitution. I note that, in his minute of 21/7/50 on 1949 file Sir K Roberto Way referred to the possibility of validating the laws in this way and it would seem therefore that we can agree the Governor's suggestion. Legal Advisers will perhaps

Re

3

be good enough to comment.

A. Field

10/1/51.

I have no comments.

J.C.W. Petrie

12/2.

Bettar reply saying we have no comments
on his proposals in (1) & shall look
forward to receiving the Agipol. in draft
as advised in para?.

G.C.W.

13/2.

30/3. 2 Sarawak Desp: 27 Confidential — 16 FEB 1951

~~Mr. Field,~~
no reply to (2).

Yelverton.
30/3

Wait a month

A. Field

30/3/51 atom

~~Mr. Field,~~

your minnie of 30/3.

ff.
274.

From information I have gleaned
from another file it would seem
that

that this revision of Lgn. is still
under conson.

25/6

B

But again in 2 months

H Field

27/4/81 atom

Mr. Field

In view your min. 27/4 above.

Yellowstone
25/6

Continue to wait.

25/7

B

Mr. Field

Nothing further to (2) received.

? Progress.

workmen 25/7

I think we must continue to
wait a little longer.

Mr. Sane ^{H.S.} should see
this file.

27/8

B

Mr. Heale

Re. Mr. Field's min. 26/7 above - nothing further to (2)

received

Yellowstone
27/8

27/9

16

Continue to wait. 27/8

Mrs. Neale

Your min. 27/8 overleaf.

RB room. 27/9.

26/10

RB

B.U. - 1 month

Seale

27/9

Mrs. Neale

- Your min. - 27/9,

RB. 26/10.

4/1/52

B.U. at beginning of January.

A. Seale
27/10.

RB

CLOSED

NO FURTHER

ACTION

TO BE TAKEN

IN THIS FILE.

CONTINUED ON:-

SEA 31/8/01

~~59706/1/51~~

12/C/207

SARAWAK

NO. 17

CONFIDENTIAL

62
COLONIAL OFFICE,
The Church House,
Great Smith Street,
London, S.W.1.

16 February, 1951

Sir,

I have the honour to acknowledge the receipt of your confidential despatch No. 26 of 30th December, 1950 on the subject of legislation in Brunei.

2. I have no further comments to make on the proposals as outlined in your despatch under reference and I await the receipt of the draft legislation which you propose to submit for examination by my legal advisers.

I have the honour to be,
Sir,

Your most obedient,
humble servant,

(Signed) J. GRIFFITHS.

GOVERNOR,

A.F. ABELL, ESQ., C.M.G.,

etc., etc., etc.

59706/1/51

2

[456B] Wt. 32483/800 100m. 11/48 C.N.Ld. 743

C. O.

Mr. Nield 13/2/51 fo!

Mr. Nield

Mr.

Fermt. U.S. of S.

Mr.

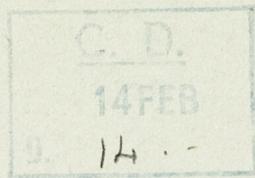
Parly. U.S. S.

Mr.

Minister of State

Mr.

Secretary of State



L.T.
S.L.

16 February 1951.

16 FEB 1951

Your Reference.....

DRAFT.

Despatch

Sir,

I have etc. to ackn.

SARAWAK

Gov NR

No. 27

(1)

CONFIDENTIAL

(Your Ref: 12/C/207.)

the receipt of your
confidential despatch No. 26

of 30th December 1950 on

the subject of legislation
in Brunei

2 I have no further
comments to make on
the proposals as outlined

in your despatch under

reference and I await

the receipt of the draft

legislation which you

propose

FURTHER ACTION.

propose to submit for
examination by my
legal advisers.

8.

I have etc

(Signed) J. GRIFFITHS.



12/0/207

CONFIDENTIAL.

SARAWAK.

5970b
Ans by (2)

OFFICE OF THE GOVERNOR,
KUCHING,
SARAWAK.

30 December, 1950.

No. 26

Sir,

I have the honour to refer to your Confidential Despatch No. 20 of 17th August, 1950, on the subject of legislation in Brunei.

2. Your comments on the proposals originally forwarded in Mr. Dawson's Confidential Despatch No. 7 of 14th October, 1949, have been fully considered and I agree that the modifications of these proposals suggested by you appear, with one exception, to be the most expeditious and practical method of achieving the object desired.

3. To deal with the present proposals individually. I agree that

- (a) an Interpretation and General Clauses Ordinance should be enacted and a Government Gazette established;
- (b) a Revised Edition of the Laws Enactment be enacted and a Revised Edition prepared thereunder;
- (c) an Application of the Laws Ordinance (following the lines of the Sarawak Application of Laws Ordinance) should be enacted;
- (d) a Law governing the exercise of legislative powers and providing for the constitution and powers of the State Council be enacted.

4. It was further proposed by you that this last Enactment should contain provision validating laws enacted by the Resident. I am advised that the validation of the latter laws might be better effected under the Revised Edition of the Laws Enactment (my paragraph 3 (b) above refers) than under an Enactment providing for the constitution and powers of the State Council. It is relevant that the identification by description in such an Enactment of the laws to be validated might present difficulties which would not apply to validation under the Revised Edition Enactment.

5. With reference to the enquiry in paragraph 5 of your Despatch under reference I agree that it is desirable to include in the Interpretation and General Clauses Ordinance a definition of "Sultan in Council", but that a definition of this body's

status /

The Right Honourable James Griffiths,
P.C., M.P., etc., etc.,
Colonial Office,
The Church House,
Great Smith Street,
LONDON. S.W.1.

10
END

- 2 -

status and functions would more properly be included in the Enactment providing for the constitution and powers of the State Council. I think it desirable that the latter Enactment should be regarded, as it is described in paragraph 6 of your Despatch, as an interim measure pending consideration of such questions as the Sultan's rights under the existing treaties, his competence to grant a constitution and the character of a new treaty. It may not be possible to complete the study of these questions or to obtain agreement on the answers thereto in the immediate future, and it therefore appears to be advisable to legalise the present practice and procedure for legislation in Brunei, as a separate step in a process which should be completed by the establishment of a Constitution.

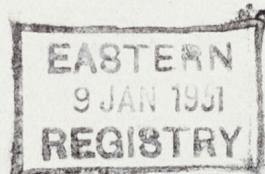
6. With reference to the question raised in paragraph 7 of your Despatch of what law the Court applies in matters not covered by Enactment the present practice in the Brunei, as in the Sarawak Courts, is to apply English law subject to such qualifications as local circumstances and native customs render necessary. Particular attention will be paid in the drafting of the Application of Laws Enactment to the desirability for legislation as far as possible parallel with that of the other two Borneo territories and assimilated as far as possible to that of Singapore and the Federation of Malaya.

7. Draft legislation on the lines indicated above will be prepared as soon as possible and forwarded for examination by your legal advisers.

I have the honour to be,
Sir,
Your obedient servant,

H. T. A. M.

GOVERNOR.



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Constitutional Development. 1951. MS Records of the British Colonial Office CO 943/2/1. The National Archives (Kew, United Kingdom). State Papers Online Colonial, link.gale.com/apps/doc/FDPVNU627646281/SPOC?u=omni&sid=bookmark-SPOC&pg=1. Accessed 21 Dec. 2024.